

**SUPREME COURT MINUTES
WEDNESDAY, MARCH 28, 2007
SAN FRANCISCO, CALIFORNIA**

S038499**PEOPLE v. BELL (STEVEN M.)**

The petition for rehearing is denied.

S125236

B164649 Second Appellate District, Div. 4

**PEOPLE v. CHACON (MARIA
SOCORRO)**

Rehearing denied.

S150316

B188863 Second Appellate District, Div. 7

F. (JAMES), IN RE

Petition for review granted (civil case).

Votes: George, C. J., Kennard, Baxter, Werdegar, Chin, Moreno, and Corrigan, JJ.

S149304

C048429 Third Appellate District

**PEOPLE v. ISOM (JEFFREY
ALLEN)**

Review granted/briefing deferred (8.512(d)(2) criminal case).

The petition for review is granted. Further action in this matter is deferred pending further order of the court. (See Cal. Rules of Court, rule 8.512(d)(2).) Submission of additional briefing, pursuant to California Rules of Court, rule 8.520, is deferred pending further order of the court.

Votes: George, C. J., Kennard, Baxter, Werdegar, Chin, Moreno, and Corrigan, JJ.

S149371

B186361 Second Appellate District, Div. 5

**PEOPLE v. BRANDON
(MARLON)**

Review granted/briefing deferred (8.512(d)(2) criminal case).

The petition for review is granted. Further action in this matter is deferred pending further order of the court. (See Cal. Rules of Court, rule 8.512(d)(2).) Submission of additional briefing, pursuant to California Rules of Court, rule 8.520, is deferred pending further order of the court.

Votes: George, C. J., Kennard, Baxter, Werdegar, Chin, Moreno, and Corrigan, JJ.

S149468 C050817 Third Appellate District

**PEOPLE v. SALAZAR
(ROLANDO DEJESUS)**

Review granted/briefing deferred (8.512(d)(2) criminal case).

The petition for review is granted. Further action in this matter is deferred pending further order of the court. (See Cal. Rules of Court, rule 8.512(d)(2).) Submission of additional briefing, pursuant to California Rules of Court, rule 8.520, is deferred pending further order of the court.

Votes: George, C. J., Kennard, Baxter, Werdegar, Chin, Moreno, and Corrigan, JJ.

S149528 B188942 Second Appellate District, Div. 3

**PEOPLE v. ROBERTS, JR.
(RONALD)**

Review granted/briefing deferred (8.512(d)(2) criminal case)

The petition for review is granted. Further action in this matter is deferred pending further order of the court. (See Cal. Rules of Court, rule 8.512(d)(2).) Submission of additional briefing, pursuant to California Rules of Court, rule 8.520, is deferred pending further order of the court.

Votes: George, C. J., Kennard, Baxter, Werdegar, Chin, Moreno, and Corrigan, JJ.

S150293 F049017 Fifth Appellate District

PEOPLE v. SALINAS (RICKY J.)

Review granted/briefing deferred (8.512(d)(2) criminal case).

The petition for review is granted. Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Geier*, S050082 (see Cal. Rules of Court, rule 8.512(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 8.520, is deferred pending further order of the court.

Votes: George, C. J., Kennard, Baxter, Werdegar, Chin, Moreno, and Corrigan, JJ.

S150333 F050229 Fifth Appellate District

**PEOPLE v. RAY (ELIZABETH
KAY)**

Review granted/briefing deferred (8.512(d)(2) criminal case).

The petition for review is granted. Further action in this matter is deferred pending further order of the court. (See Cal. Rules of Court, rule 8.512(d)(2).) Submission of additional briefing, pursuant to California Rules of Court, rule 8.520, is deferred pending further order of the court.

Votes: George, C. J., Kennard, Baxter, Werdegar, Chin, Moreno, and Corrigan, JJ.

S150408 H030220 Sixth Appellate District

**PEOPLE v. RUBALCABA
(ANDRES)**

Review granted/briefing deferred (8.512(d)(2) criminal case).

The petition for review is granted. Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Crandell*, S134883 (see Cal. Rules of Court, rule 8.512(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 8.520, is deferred pending further order of the court.

Votes: George, C. J., Kennard, Baxter, Werdegar, Chin, Moreno, and Corrigan, JJ.

S150418 A113668 First Appellate District, Div. 1

**PEOPLE v. SPEAKES (ALLEN
WAYNE)**

Review granted/briefing deferred (8.512(d)(2) criminal case).

The petition for review is granted. Further action in this matter is deferred pending further order of the court. (See Cal. Rules of Court, rule 8.512(d)(2).) Submission of additional briefing, pursuant to California Rules of Court, rule 8.520, is deferred pending further order of the court.

Votes: George, C. J., Kennard, Baxter, Werdegar, Chin, Moreno, and Corrigan, JJ.

S150444 C050911 Third Appellate District

PEOPLE v. ADAMS (KENNETH)

Review granted/briefing deferred (8.512(d)(2) criminal case).

The petition for review is granted. Further action in this matter is deferred pending consideration and disposition of a related issue in *People v. Crandell*, S134883 (see Cal. Rules of Court, rule 8.512(d)(2)), or pending further order of the court. Submission of additional briefing, pursuant to California Rules of Court, rule 8.520, is deferred pending further order of the court.

Votes: George, C. J., Kennard, Baxter, Werdegar, Chin, Brown, Moreno, and Corrigan, JJ.

S149401 B189079 Second Appellate District, Div. 2

FUDIL (GHAZWAN) v. A.B.C.

Review granted; transferred to CA 2/2 to issue alt. writ.

The application for stay is denied. The petition for review is granted. The matter is transferred to the Court of Appeal, Second Appellate District, Division Two, with directions to vacate its order denying review and to issue an alternative writ in light of *Department of Alcoholic Beverage Control v. Alcoholic Beverage Control Appeals Board* (Quintanar) (2006) 40 Cal.4th 1, to be heard before that court when the proceeding is ordered on calendar.

Votes: George, C. J., Kennard, Baxter, Werdegar, Chin, Moreno, and Corrigan, JJ.

S121159 C041818 Third Appellate District**PEOPLE v. RABADUEX (JEAN MICHAEL)**

Dismissed and remanded to CA 3.

In this matter review was granted to decide whether a defendant who is not present when law enforcement officers allegedly violate the "knock-and-announce" rule in executing a valid warrant to search the defendant's residence, has a legitimate expectation of privacy under the Fourth Amendment of the federal Constitution, prerequisite to seeking suppression of the evidence obtained on that basis. Subsequently, in *Hudson v. Michigan* (2006) 547 U.S. ___, ___ [126 S. Ct. 2159, 2166-2168, 165 L.Ed.2d 56], the United States Supreme Court concluded that a violation of the knock-and-announce rule by law enforcement officers having a valid warrant to search the residence does not under the exclusionary rule require suppression of the evidence obtained pursuant to the warrant. In light of that ruling, it is unnecessary to resolve the threshold issue upon which we granted review. Accordingly, review is dismissed. (Cal. Rules of Court, rule 8.528(b).)

Votes: George, C. J., Kennard, Baxter, Werdegar, Chin, Moreno, and Corrigan, JJ.

S150318 B195827 Second Appellate District, Div. 8**LEVINE (LEONARD) v. S.C. (BASHFORTH)**

The request to withdraw the petition for review is granted. This Court's February 20, 2007, staying enforcement of the superior court's order of December 19, 2006, in case number JCCP4286/2CC0571, commanding compliance with the deposition subpoenas for the production of business records in the possession of petitioner non-party attorneys is hereby vacated.

S134962**HART (JOSEPH) ON H.C.**

Petition for writ of habeas corpus denied (AA)

Petitioner's second petition for a writ of habeas corpus, filed June 22, 2005, is denied, as follows:

Claim 1 is denied on the merits. To the extent this claim reasserts issues raised and rejected on appeal, and insofar as it asserts violations of petitioner's rights other than the right to the effective assistance of counsel, it is barred under *In re Waltreus* (1965) 62 Cal.2d 218, 225 (*Waltreus*). To the extent the claim is based upon the record and was not raised on appeal, and insofar as it asserts violations of petitioner's rights other than the right to the effective assistance of counsel, it could and should have been raised on appeal and hence is barred under *In re Dixon* (1953) 41 Cal.2d 756, 759 (*Dixon*). In addition, the claim is barred as successive under *In re Clark* (1993) 5 Cal.4th 750, 767-768 (*Clark*), and as untimely under *In re Robbins* (1998) 18 Cal.4th 770, 780-781 (*Robbins*).

Claim 2 is denied on the merits. To the extent this claim asserts systemic under representation of Hispanics in the Riverside County jury pool, the claim is barred because evidence of such systemic under representation was not presented to the trial court. (*In re Seaton* (2004) 34 Cal.4th 193, 198-201 & fn. 4 (*Seaton*).) To the extent petitioner asserts he was denied his right to a jury representing a fair cross-section of the community and his right to the effective assistance of counsel, the claim was raised and rejected on the merits in the prior petition for writ of habeas corpus

(S074569, denied February 22, 2006), and hence is barred as repetitive under *In re Miller* (1941) 17 Cal.2d 734, 735 (*Miller*). In addition, the claim is barred as untimely under *Robbins, supra*.

Claim 3 is denied on the merits. To the extent this claim asserts jurors were exposed to media reports related to petitioner or to the proceedings against him, the claim is barred as repetitive under *Miller, supra*. To the extent this claim is based upon the record and was not raised on appeal, and insofar as it asserts violations of petitioner's rights other than the right to the effective assistance of counsel, it is barred under *Dixon, supra*. To the extent this claim asserts subclaims not previously presented, it is barred as successive under *Clark, supra*. In addition, the claim is barred as untimely under *Robbins, supra*.

Claim 4 is denied on the merits. To the extent this claim reasserts issues raised and rejected on appeal, and insofar as it asserts violations of petitioner's rights other than the right to the effective assistance of counsel, it is barred under *Waltreus, supra*. In addition, the claim is barred as successive under *Clark, supra*, and as untimely under *Robbins, supra*.

Claim 5 is denied on the merits. The claim also is barred as repetitive under *Miller, supra*. In addition, the claim is barred as untimely under *Robbins, supra*.

Claim 6, subclaims (c) (alleged failure to adequately cross-examine the surviving witness), and (q) (alleged failure to more fully investigate and present evidence of third-party culpability in the murder of Shelah McMahan) are denied on the merits. The balance of the claim is denied on the merits and as untimely under *Robbins, supra*. To the extent this claim asserts subclaims presented in petitioner's prior petition for writ of habeas corpus, it is barred as repetitive under *Miller, supra*. To the extent this claim asserts subclaims not previously presented, it is barred as successive under *Clark, supra*.

Claim 7 is denied on the merits. To the extent the claim is based upon the record and was not raised on appeal, and insofar as it asserts violations of petitioner's rights other than the right to the effective assistance of counsel, it is barred under *Dixon, supra*. The claim also is barred as repetitive under *Miller, supra*. In addition, the claim is barred as untimely under *Robbins, supra*.

Claim 8 is denied on the merits. The claim also is barred as repetitive under *Miller, supra*. In addition, the claim is barred as untimely under *Robbins, supra*.

Claim 9 is denied on the merits. The claim also is barred as repetitive under *Miller, supra*. In addition, the claim is barred as untimely under *Robbins, supra*.

Claim 10 is denied on the merits. This claim is barred under *Seaton, supra*. To the extent the claim is based upon the record and was not raised on appeal, it is barred under *Dixon, supra*. The claim also is barred as repetitive under *Miller, supra*. In addition, the claim is barred as untimely under *Robbins, supra*.

Claim 11 is denied on the merits. To the extent this claim reasserts issues raised and rejected on appeal, it is barred under *Waltreus, supra*. In addition, the claim is barred as successive under *Clark, supra*, and as untimely under *Robbins, supra*.

Claim 12 is denied on the merits. To the extent the claim is based upon the record and was not raised on appeal, it is barred under *Dixon, supra*. The claim also is barred as repetitive under *Miller, supra*. In addition, the claim is barred as untimely under *Robbins, supra*.

Claim 13 is denied on the merits. The claim also is barred as repetitive under *Miller, supra*. In addition, the claim is barred as untimely under *Robbins, supra*.

Claim 14 is denied on the merits. To the extent this claim reasserts issues raised and rejected on appeal, it is barred under *Waltreus, supra*. The claim also is barred as repetitive under *Miller, supra*. In addition, the claim is barred as untimely under *Robbins, supra*.

Claim 15 is denied on the merits. To the extent this claim reasserts issues raised and rejected on appeal, it is barred under *Waltreus, supra*. To the extent the claim is based upon the record and was not raised on appeal, it is barred under *Dixon, supra*. In addition, the claim is barred as successive under *Clark, supra*, and as untimely under *Robbins, supra*.

Claim 16 is denied on the merits. To the extent this claim reasserts issues raised and rejected on appeal, and insofar as it asserts violations of petitioner's rights other than the right to the effective assistance of counsel, it is barred under *Waltreus, supra*. To the extent the claim is based upon the record and was not raised on appeal, and insofar as it asserts violations of petitioner's rights other than the right to the effective assistance of counsel, the claim is barred under *Dixon, supra*. In addition, the claim is barred as successive under *Clark, supra*, and as untimely under *Robbins, supra*.

Claim 17 is denied on the merits. To the extent this claim reasserts issues raised and rejected on appeal, and insofar as it asserts violations of petitioner's rights other than the right to the effective assistance of counsel, it is barred under *Waltreus, supra*. To the extent the claim is based upon the record and was not raised on appeal, and insofar as it asserts violations of petitioner's rights other than the right to the effective assistance of counsel, the claim is barred under *Dixon, supra*. In addition, the claim is barred as successive under *Clark, supra*, and as untimely under *Robbins, supra*.

Claim 18 is denied on the merits. To the extent this claim reasserts issues raised and rejected on appeal, and insofar as it asserts violations of petitioner's rights other than the right to the effective assistance of counsel, it is barred under *Waltreus, supra*. To the extent the claim is based upon the record and was not raised on appeal, and insofar as it asserts violations of petitioner's rights other than the right to the effective assistance of counsel, the claim is barred under *Dixon, supra*. In addition, the claim is barred as successive under *Clark, supra*, and as untimely under *Robbins, supra*.

Claim 19 is denied on the merits. To the extent this claim asserts insufficiency of the evidence to support the guilt judgment and special circumstance findings, the claim is barred under *In re Lindley* (1947) 29 Cal.2d 709, 723 (*Lindley*). To the extent this claim reasserts issues raised and rejected on appeal, and insofar as it asserts violations of petitioner's rights other than the right to the effective assistance of counsel, it is barred under *Waltreus, supra*. To the extent the claim is based upon the record and was not raised on appeal, and insofar as it asserts violations of petitioner's rights other than the right to the effective assistance of counsel, the claim is barred under *Dixon, supra*. In addition, the claim is barred as successive under *Clark, supra*, and as untimely under *Robbins, supra*.

Claim 20 is denied on the merits, and is barred as repetitive under *Miller, supra*. In addition, the claim is barred as untimely under *Robbins, supra*.

Claim 21 is denied on the merits. In addition, the claim is barred as successive under *Clark, supra*, and as untimely under *Robbins, supra*.

Claim 22 is denied on the merits. To the extent this claim reasserts issues raised and rejected on appeal, and insofar as it asserts violations of petitioner's rights other than the right to the effective

assistance of counsel, it is barred under *Waltreus, supra*. To the extent the claim is based upon the record and was not raised on appeal, and insofar as it asserts violations of petitioner's rights other than the right to the effective assistance of counsel, the claim is barred under *Dixon, supra*. In addition, the claim is barred as successive under *Clark, supra*, and as untimely under *Robbins, supra*.

Claim 23 is denied on the merits. To the extent this claim reasserts issues raised and rejected on appeal, it is barred under *Waltreus, supra*. The claim also is barred as successive under *Clark, supra*, and as untimely under *Robbins, supra*.

Claim 24 is denied on the merits. To the extent this claim reasserts issues raised and rejected on appeal, it is barred under *Waltreus, supra*. To the extent the claim is based upon the record and was not raised on appeal, it is barred under *Dixon, supra*. In addition, the claim is barred as successive under *Clark, supra*, and as untimely under *Robbins, supra*.

Claim 25 is denied on the merits. To the extent this claim reasserts issues raised and rejected on appeal, it is barred under *Waltreus, supra*. To the extent the claim is based upon the record and was not raised on appeal, it is barred under *Dixon, supra*. In addition, the claim is barred as successive under *Clark, supra*, and as untimely under *Robbins, supra*.

Claim 26 is denied on the merits. To the extent this claim reasserts issues raised and rejected on appeal, it is barred under *Waltreus, supra*. To the extent the claim is based upon the record and was not raised on appeal, it is barred under *Dixon, supra*. In addition, the claim is barred as successive under *Clark, supra*, and as untimely under *Robbins, supra*.

Claim 27 is denied on the merits. To the extent this claim reasserts issues raised and rejected on appeal, it is barred under *Waltreus, supra*. To the extent this claim asserts insufficiency of the evidence pertaining to the Shelah McMahon homicide, the claim is barred under *Lindley, supra*. In addition, the claim is barred as successive under *Clark, supra*, and as untimely under *Robbins, supra*.

Claim 28 is denied on the merits. To the extent this claim reasserts issues raised and rejected on appeal, it is barred under *Waltreus, supra*. In addition, the claim is barred as successive under *Clark, supra*, and as untimely under *Robbins, supra*.

Claim 29 is denied on the merits. To the extent this claim reasserts issues raised and rejected on appeal, and insofar as it asserts violations of petitioner's rights other than the right to the effective assistance of counsel, it is barred under *Waltreus, supra*. In addition, the claim is barred as successive under *Clark, supra*, and as untimely under *Robbins, supra*.

Claim 30 is denied on the merits. To the extent this claim reasserts issues raised and rejected on appeal, it is barred under *Waltreus, supra*. In addition, the claim is barred as successive under *Clark, supra*, and as untimely under *Robbins, supra*.

Claim 31 is denied on the merits. To the extent the claim is based upon the record and was not raised on appeal, it is barred under *Dixon, supra*. In addition, the claim is barred as successive under *Clark, supra*, and as untimely under *Robbins, supra*.

Claim 32 is denied on the merits. To the extent this claim reasserts issues raised and rejected on appeal, it is barred under *Waltreus, supra*. In addition, the claim is barred as successive under *Clark, supra*, and as untimely under *Robbins, supra*.

Claim 33 is denied on the merits.

Claim 34 is barred on the merits insofar as it constitutes a general challenge to the validity of the death penalty law. Insofar as the claim pertains to the specific facts of petitioner's case, the claim is denied on the merits and is barred as repetitive under *Miller, supra*, and as untimely under *Robbins, supra*.

Claim 35 is denied on the merits, and is barred as repetitive under *Miller, supra*. In addition, the claim is barred as untimely under *Robbins, supra*.

Claim 36 is denied on the merits. To the extent the claim is based upon the record and was not raised on appeal, it is barred under *Dixon, supra*. In addition, the claim is barred as successive under *Clark, supra*, and as untimely under *Robbins, supra*.

Claim 37 is denied on the merits.

Claim 38 is denied on the merits. To the extent the claim is based upon the record and was not raised on appeal, it is barred under *Dixon, supra*. In addition, the claim is barred as successive under *Clark, supra*, and as untimely under *Robbins, supra*.

Claim 39 is denied on the merits. In addition, the claim is barred as successive under *Clark, supra*, and as untimely under *Robbins, supra*.

Claim 40 is denied on the merits. In addition, the claim—except insofar as it alleges ineffective assistance of prior habeas corpus counsel—is barred as successive under *Clark, supra*, and as untimely under *Robbins, supra*.

Claim 41 is denied on the merits.

Werdegar, J., would not apply the *Seaton* bar to Claims 2 and 10.

S149298 D047999 Fourth Appellate District, Div. 1 **PEOPLE v. KING (STEVEN DONNELL)**
Petitions for review denied.

S149417 C050626 Third Appellate District **PEOPLE v. WILDEE (BERNARD)**
Petition for review denied.

S149454 F051200 Fifth Appellate District **MEYERS (BONNIE) ON H.C.**
Petition for review denied.
Werdegar and Moreno, JJ., are of the opinion the petition should be granted.

S149513 A111600 First Appellate District, Div. 5 **PEOPLE v. WINDHAM (DAVID)**
Petition for review denied.

S149529 A111000 First Appellate District, Div. 1

Petition for review denied.

S149534 H030170 Sixth Appellate District

Petition for review denied.

S149557 C050943 Third Appellate District

Petition for review denied.

S149573 C051189 Third Appellate District

Petition for review denied.

S149594 G036492 Fourth Appellate District, Div. 3

Petition for review denied.

The request for judicial notice is granted.

S149608 G037874 Fourth Appellate District, Div. 3

Petition for review denied

S149619 G037772 Fourth Appellate District, Div. 3

Petition for review denied.

S149626 A114157 First Appellate District, Div. 5

Petition for review & depublication request denied.

Werdegar, J., was recused and did not participate.

PEOPLE v. THOMAS (KELSEY MORRIS)

CARTER, JR. (DANNIE) ON H.C.

PEOPLE v. BATES (ERIN ELIZABETH LEIMAN)

PEOPLE v. GENTRY (JERRY WAYNE)

KOREA EXPORT INSURANCE CORPORATION v. CENTER BANK

GARCIA (LEOPOLDO) ON H.C.

NGUYEN (THANH) ON H.C.

ZEMBSCH (MARK) v. S.C. (HEALTH NET OF CALIFORNIA)

S149642 F048828 Fifth Appellate District

Petition for review denied.

PEOPLE v. WILSON (JIMMY EARL)

S149645 D044943 Fourth Appellate District, Div. 1

Petition for review denied.

PEOPLE v. TUTE (RICHARD RAYMOND)

S149662 A109077 First Appellate District, Div. 4

Petition for review denied.

MCCOLM (PATRICIA A.) v. GREENBAUM (DAVID)

S149664 A110849 First Appellate District, Div. 1

Petition for review denied.

PEOPLE v. BARRETO (JIMENA)

S149713 A115917 First Appellate District, Div. 2

Petition for review denied.

MOORE (RONALD) ON H.C.

S149725 G036218 Fourth Appellate District, Div. 3

Petition for review denied.

PEOPLE v. ARTHUR (JAMES CRAIG)

S149741 F048114 Fifth Appellate District

Petition for review denied.

PEOPLE v. OGAMBA (JAY)

S149747 H029303 Sixth Appellate District

Petition for review denied.

PEOPLE v. CARTER (DANNIE)

S149757 A116418 First Appellate District, Div. 4

Petition for review denied.

MORGAN (ERNEST) ON H.C.

S149759 B182567 Second Appellate District, Div. 3

Petition for review denied.

S149764 B196043 Second Appellate District, Div. 6

Petition for review denied.

S149769 F050356 Fifth Appellate District

Petition for review denied.

S149781 H030930 Sixth Appellate District

Petition for review denied.

S149788 B195872 Second Appellate District, Div. 5

Petition for review denied.

S149839 B187186 Second Appellate District, Div. 5

Petition for review denied.

S149880 G037739 Fourth Appellate District, Div. 3

Petition for review denied.

S149896 B186265 Second Appellate District, Div. 3

Petition for review denied.

S149911 G036772 Fourth Appellate District, Div. 3

Petition for review denied.

**PEOPLE v. OROZCO
(GUSTAVO)**

ABRAHAM (ALAN) ON H.C.

KEEL (JOE HOWARD) ON H.C.

VIGIL (WILLIE PAUL) ON H .C.

WOODS (BYONE) ON H.C.

**PEOPLE v. SANDOVAL
(MANUEL)**

KAPAHUA (JOSEPH C.) ON H.C.

**PEOPLE v. HERNANDEZ
(FRANCISCO)**

**PEOPLE v. CAGE (CHARLES
DEWEY)**

S149925 B189445 Second Appellate District, Div. 8
Petition for review denied.

PEOPLE v. HUNT (DAVID)

S149984 E042126 Fourth Appellate District, Div. 2
Petition for review denied.

**BRITTAIN (JESSE BRIEN) ON
H.C.**

S150042 D049554 Fourth Appellate District, Div. 1
Petition for review denied.

**DAVIS, SR. (LEONARD
GERARD) v. S.C. (PEOPLE)**

S150061 C051138 Third Appellate District
Petition for review denied.

**PEOPLE v. HEFLER (ALLEN
WAYNE)**

S150114 B196095 Second Appellate District, Div. 7
Petition for review denied.

RAYOS (JUAN N.) ON H.C.

S150183 B183899 Second Appellate District, Div. 7
Petition for review denied

**GALLAGHER (MICHAEL) v.
PRUDENTIAL CALIFORNIA
REALTY**

S150209 A113879 First Appellate District, Div. 2
Petition for review denied.

**CANDIA (HORACIO) v.
BRACCO (RICHARD)**

S150242 F051617 Fifth Appellate District
Petition for review & publication request denied.

**SIERRA BIBLE CHURCH v.
WCAB (CLINK)**

S150254 D048243 Fourth Appellate District, Div. 1

Petition for review denied.

**LAHIJANI (ROYA) v.
GOVERNING BOARD OF
PALOMAR COMMUNITY
COLLEGE DISTRICT**

S150260 A111616 First Appellate District, Div. 1

Petition for review denied.

**MCLEOD (DONALD W.) v.
TRADCO, INC.**

S150269 B194992 Second Appellate District, Div. 5

Petition for review denied.

**YERESSIAN (KHATHICK) v.
WCAB & RALPHS GROCERY
COMPANY**

S150296 B187363 Second Appellate District, Div. 5

Petition for review denied.

**KURWA (BADRUDIN) v.
HARRINGTON, FOXX,
DUBROW & CANTER LLP**

S150297 D047059 Fourth Appellate District, Div. 1

Petition for review denied.

**PEOPLE v. DURAN (JOSEPH
ALFONSO)**

S150300 B189472 Second Appellate District, Div. 1

Petition for review denied.

**LENSKE (SHAWN) v. CITY OF
LOS ANGELES**

S150330 E039558 Fourth Appellate District, Div. 2

Petition for review denied.

**PEOPLE v. MORGAN (ROBERT
ALEXANDER)**

S150331 C050910 Third Appellate District

Petition for review denied.

S150337 C051499 Third Appellate District

Petition for review denied.

S150338 A112717 First Appellate District, Div. 5

Petition for review denied.

S150339 B196381 Second Appellate District, Div. 5

Petition for review denied.

S150341 F049176 Fifth Appellate District

Petition for review denied.

S150349 F050535 Fifth Appellate District

Petition for review denied.

S150350 D049592 Fourth Appellate District, Div. 1

Petition for review denied.

S150358 A109031 First Appellate District, Div. 2

Petition for review denied.

S150364 B185996 Second Appellate District, Div. 7

Petition for review denied.

**PEOPLE v. KHRONE
(THEODORE DWAYNE)**

PEOPLE v. ALEXANDER (GUS)

L. (DANIELLE), IN RE

**MATTHEWS (IVAN LEE) ON
H.C.**

PEOPLE v. LE (MAN TIEN)

**PEOPLE v. LOPEZ (PERFECTO
GARZA)**

**PEOPLE v. LANG (ANTHONY
G.)**

PEOPLE v. BLUITT (GREGORY)

**KNAPP (COURTNEY) v.
PALISADES CHARTER HIGH
SCHOOL**

S150376 F050166 Fifth Appellate District

Petition for review denied.

**EVANS (JAMAR JAMES) v.
TERMINIX INTERNATIONAL
COMPANY**

S150377 B189107 Second Appellate District, Div. 2

Petition for review denied.

**PEOPLE v. MCDONALD
(WAYNE)**

S150384 A109626 First Appellate District, Div. 1

Petition for review denied.

**PEOPLE v. FARRUGIA
(RICHARD MICHAEL)**

S150395 D048089 Fourth Appellate District, Div. 1

Petition for review denied.

**PEOPLE v. THREATS (MARCUS
E.)**

S150397 B189768 Second Appellate District, Div. 5

Petition for review denied.

R. (RAPHAEL), IN RE

S150403 B159310 Second Appellate District, Div. 5
COUNTY

Petition for review denied.

**ADAMS (JANIS) v. L.A.
U.S.D.**

S150407 G036153 Fourth Appellate District, Div. 3

Petition for review denied.

**PEOPLE v. DRAYTON
(CHARLES)**

S150411 D046851 Fourth Appellate District, Div. 1

Petition for review denied.

PEOPLE v. RAY (RONALD)

S150412 F049501 Fifth Appellate District

Petition for review denied.

PEOPLE v. CASTANON (PAUL DOMINGUEZ)

S150414 H030796 Sixth Appellate District

Petition for review denied.

MACKEY (RUSSELL J.) v. WCAB (DILLION COMPANY)

S150420 B190873 Second Appellate District, Div. 4

Petition for review denied.

PEOPLE v. EVANS (DESHAWN)

S150428 E042212 Fourth Appellate District, Div. 2

Petition for review denied.

DAWOOD (AMIR NATHAN) v. S.C. (PEOPLE)

S150431 B196438 Second Appellate District, Div. 7

Petition for review denied.

ROBINS (DAVID R.) ON H.C.

S150434 B196423 Second Appellate District, Div. 5

Petition for review denied.

EDWARDS (VONNIE) v. S.C. (PEOPLE)

S150443 B189219 Second Appellate District, Div. 3

Petition for review denied.

PEOPLE v. SMITH (GREGORY LEE)

S150449 B187051 Second Appellate District, Div. 4

Petition for review denied.

PEOPLE v. ESPINOZA (HUGO)

S150452 E041589 Fourth Appellate District, Div. 2

Petition for review denied.

ADKISON (EDY P.) v. S.C. (DOLPHIN CAPITAL LLC)

S150457	E040047 Fourth Appellate District, Div. 2 Petition for review denied.	PEOPLE v. RIVERA (ENRIQUE)
S150458	D046881 Fourth Appellate District, Div. 1 Petition for review denied.	PEOPLE v. MCDONALD (JOSEPH HILTON)
S150463	E040255 Fourth Appellate District, Div. 2 Petition for review denied.	PEOPLE v. FOUNTAIN, JR. (LEROY)
S150464	Petition for writ of mandate/prohibition denied.	HOLLOWAY (PURVIS) v. CA 2/1 (PEOPLE)
S150465	F048967 Fifth Appellate District Petition for review denied.	PEOPLE v. HENDERSON (RICHARD JOHN)
S150468	B189687 Second Appellate District, Div. 6 Petition for review denied.	PEOPLE v. TORRES (MACARIO)
S150471	Petition for writ of mandate/prohibition denied as moot.	QUILLAR (LEE V.) v. CA 4/1 (PEOPLE)
S150478	B196208 Second Appellate District, Div. 1 Petition for review denied.	SIMMS (CHAPPLE LAMAR) ON H.C.

S150541 C045556 Third Appellate District

Petition for review denied.

**PEOPLE v. WIMBERLY
(LARRY)**

S150667 F052122 Fifth Appellate District

Petition for review denied.

**THOMAS (RAYSHON) v. S.C.
(PEOPLE)**

S151238 B197151 Second Appellate District, Div. 8

Petition for review and application for stay denied.

**SHIRWO (DAROLD M.) v. S.C.
(LEDESMA)**

S143214

Petition for writ of habeas corpus denied.

Werdegar and Moreno, JJ., are of the opinion the petition should be granted.

**RUSSELL (DOUGLAS T.) ON
H.C.**

S144643

Petition for writ of habeas corpus denied.

**LITTLE (WILLIAM ANTHONY)
ON H.C.**

S145480

Petition for writ of habeas corpus denied.

HUANG (QIANG) ON H.C.

S145744

Petition for writ of habeas corpus denied.

JOY (TERRANCE D.) ON H.C.

S146045

Petition for writ of habeas corpus denied.

(See *In re Robbins* (1998) 18 Cal.4th 770, 780; *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

**WILLIAMS (SAUMAL MARTIN)
ON H.C.**

S146291

Petition for writ of habeas corpus denied.

NICOLIS (ALFONSO L.) ON H.C.

S146651

Petition for writ of habeas corpus denied.
(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

CHAVEZ (STEPHEN A.) ON H.C.

S146660

Petition for writ of habeas corpus denied.

BRACEY (VINCENT) ON H.C.

S146663

Petition for writ of habeas corpus denied.

DENHAM (JOE) ON H.C.

S146666

Petition for writ of habeas corpus denied.
(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

STUART (WENDELL) ON H.C.

S146667

Petition for writ of habeas corpus denied.
(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

ROBINSON (ANTHONY L.) ON H.C.

S146670

Petition for writ of habeas corpus denied
(See *In re Clark* (1993) 5 Cal.4th 750; *In re Robbins* (1998) 18 Cal.4th 770, 780.)

BRACKETT (DENNIS) ON H.C.

S146672

Petition for writ of habeas corpus denied.

SANDERS (GREGORY G.) ON H.C.

S146678

Petition for writ of habeas corpus denied.
(See *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

WESTBROOK (BRIAN) ON H.C.

S146681

Petition for writ of habeas corpus denied.

ALARCON (DOUGLAS) ON H.C.

S146686

Petition for writ of habeas corpus denied.

MENDOZA (JESSE) ON H.C.

S146689

Petition for writ of habeas corpus denied.

DANIELS (HENOUVIA) ON H.C.

S146694

Petition for writ of habeas corpus denied.

**JOHNSON (DANIEL LEE) ON
H.C.**

S146696

Petition for writ of habeas corpus denied.
(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

**BROWN (ROBERT HARVEY)
ON H.C.**

S146697

Petition for writ of habeas corpus denied.

**WILKINSON (LAWONE W.) ON
H.C.**

S146698

Petition for writ of habeas corpus denied.
(See *In re Clark* (1993) 5 Cal.4th 750; *In re Miller* (1941) 17 Cal.2d 734; *In re Waltreus* (1965) 62 Cal.2d 218; *In re Dixon* (1953) 41 Cal.2d 756.)

PEREZ (JOSE) ON H.C.

S146699

Petition for writ of habeas corpus denied.
(See *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

NUNEZ (IVAN MARK) ON H.C.

S146704

Petition for writ of habeas corpus denied.

**JUAREZ (MANUEL VINCENT)
ON H.C.**

S146720

Petition for writ of habeas corpus denied.

**RIDLESPRIGER (SCOTT B.) ON
H.C.**

S146722

Petition for writ of habeas corpus denied.

(See *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Lindley* (1947) 29 Cal.2d 709.)

**CLARK (ROBERT SHAWN) ON
H.C.**

S146760

Petition for writ of habeas corpus denied.

**RICHARDS (TRACY DAWN) ON
H.C.**

S146765

Petition for writ of habeas corpus denied.

DAVIS (DORIAN) ON H.C.

S146801

Petition for writ of habeas corpus denied.

CROSS (VICTOR A.) ON H.C.

S146805

Petition for writ of habeas corpus denied.

(See *In re Robbins* (1998) 18 Cal.4th 770, 780.)

**OLIVEIRA (FERNANDO
QUITERIO) ON H.C.**

S146811

Petition for writ of habeas corpus denied

(See *In re Swain* (1949) 34 Cal.2d 300, 304; *People v. Duvall* (1995) 9 Cal.4th 464, 474.)

**CHAMPION (RICHARD
EUGENE) ON H.C.**

S146812

Petition for writ of habeas corpus denied.

GLOVER (RONALD) ON H.C.

S147407

Petition for writ of habeas corpus denied.

**KIRKPATRICK (THOMAS
LESLIE) ON H.C.**

S149068

Petition for writ of habeas corpus denied.
(See *In re Dexter* (1979) 25 Cal.3d 921.)

ZUNIGA (JOSE) ON H.C.

S149811

Petition for writ of habeas corpus denied.
(See *In re Swain* (1949) 34 Cal.2d 300, 304.)

**MOUNTFORD (DAVID G.) ON
H.C.**

S150207

Petition for writ of habeas corpus denied.

**GRAY (DARYL DWIGHT) ON
H.C.**

S150287

Petition for writ of habeas corpus denied.
(See *In re Dexter* (1979) 25 Cal.3d 921, 925.)

**BRITAIN (JESSE BRIEN) ON
H.C.**

S150294

Petition for writ of habeas corpus denied.

MACK (BOBBY) ON H.C.

S150307

Petition for writ of habeas corpus denied.
(See *In re Miller* (1941) 17 Cal.2d 734.)

**BRITAIN (JESSE BRIEN) ON
H.C.**

S150394

Petition for writ of habeas corpus denied.

ALVAREZ (JULIO C.) ON H.C.

S150552

Petition for writ of habeas corpus denied.

CRUMP (STEPHEN) ON H.C.

S150616

Petition for writ of habeas corpus denied.

ROBERTS (GARY) ON H.C.

S150713

Petition for writ of habeas corpus denied.

BAKER (DAVID LEONARD) ON H.C.

S150719

Petition for writ of habeas corpus denied.

(See *People v. Duvall* (1995) 9 Cal.4th 464, 474; *In re Dexter* (1979) 25 Cal.3d 921.).

BENNETT (FREDDIE LOUIS) ON H.C.

S150730

Petition for writ of habeas corpus denied.

JOHNSON (MARVIN) ON H.C.

S150740

Petition for writ of habeas corpus denied.

(See *In re Dexter* (1979) 25 Cal.3d 921.)

ZUNIGA (JOSE) ON H.C.

S150857

Petition for writ of habeas corpus denied.

(See *In re Dexter* (1979) 25 Cal.3d 921.)

LABRANCH (GARY) ON H.C.

S150865

Petition for writ of habeas corpus denied.

GRAVES (FRED) ON H.C.

S046816**PEOPLE v. THORNTON (MARK SCOTT)**

The application for stay of proceedings, filed on March 19, 2007, is denied.

S149242 A113357 First Appellate District, Div. 2**STUTRUD (PAUL D.) v. CITY OF ROHNERT PARK**

Publication request denied (case closed).

S149643 A112281 First Appellate District, Div. 2**SCOTTSDALE INSURANCE COMPANY v. CHINESE CONSOLIDATED BENEVOLENT ASSOCIATION**

Publication request denied (case closed).

S149682 A107551/A107552 First Appellate District, Div. 3**CALIFORNIA ASSOCIATION OF HEALTH FACILITIES v. STATE DEPARTMENT OF HEALTH SERVICES**

Publication request denied (case closed).

S149879 E040783 Fourth Appellate District, Div. 2**T. (KATHLEEN), IN RE**

Publication request denied (case closed).

S150101 D048210 Fourth Appellate District, Div. 1
DWAYNE)**ASHFORD (EDWARD ON H.C.**

Publication request denied (case closed).

S033901**PEOPLE v. THOMPSON (CATHERINE)**

Extension of time granted to May 25, 2007, to file the respondent's brief. After that date, only one further extension totaling about 60 additional days is contemplated. Extension is granted based upon Deputy Attorney General A. Scott Hayward's representation that he anticipates filing that brief by July 24, 2007.

S056364**PEOPLE v. JONES (ALBERT)**

Extension of time granted to June 1, 2007, to file the appellant's opening brief. After that date, only one further extension totaling about 60 additional days will be granted. Extension is granted based upon Deputy State Public Defender Jessica K. McGuire's representation that she anticipates filing that brief by July 31, 2007.

S073316**PEOPLE v. EDWARDS
(ROBERT MARK)**

Extension of time granted to May 29, 2007, to file respondent's brief.

S080054**PEOPLE v. LINTON (DANIEL
ANDREW)**

Extension of time granted to May 21, 2007, to file appellant's opening brief. After that date, no further extension is contemplated. Extension is granted based upon counsel Diane E. Berley's representation that she anticipates filing that brief by May 20, 2007.

S121365**SNOW (PRENTICE JUAN) ON
H.C.**

Extension of time granted to May 18, 2007, to file the informal response to the petition for writ of habeas corpus. After that date, only one further extension totaling about 44 additional days is contemplated. Extension is granted based upon Deputy Attorney General Ellen Birnbaum Kehr's representation that she anticipates filing that document by July 1, 2007.

S148856**LEONARDOS (NICKOLAS) ON
H.C.**

Extension of time granted.

On application of petitioner and good cause appearing, it is ordered that the time to serve and file the reply to the informal response is extended to April 26, 2007.

S149247

B186622 Second Appellate District, Div. 1

**PEOPLE v. MVUEMBA (LANDU
MICHAEL)**

Extension of time granted.

On application of appellant and good cause appearing, it is ordered that the time to serve and file the reply brief on the merits is extended to April 2, 2007.

S150974**RAY (CLARENCE) ON H.C.**

Extension of time granted to June 13, 2007, to file the informal response to the petition for writ of habeas corpus. After that date, only one further extension totaling about 55 additional days is contemplated. Extension is granted based upon Deputy Attorney General Marcia A. Fay's representation that she anticipates filing that document by August 7, 2007.

S056766**PEOPLE v. LEON (RICHARD)**

Substitution of counsel ordered.

On the court's own motion, the order appointing Tami J. Buscho as appellate counsel of record for appellant Richard Leon, filed June 2, 2000, is hereby vacated. The State Public Defender is hereby appointed to represent appellant Richard Leon for the direct appeal in the above automatic appeal now pending in this court. Buscho is hereby directed to deliver to the State Public Defender, within 60 days from the filing of this order, all case transcripts, case files, appellate work product, 60-day confidential status reports, and related materials that she has obtained from appellant or his trial counsel, paralegals, experts and investigators, or from any other source. On the court's own motion, the order appointing Michael G. Millman, as Executive Director of the California Appellate Project, to serve as interim habeas corpus/executive clemency counsel of record for appellant Richard Leon, filed November 29, 2006, is hereby vacated. The Habeas Corpus Resource Center is hereby appointed to represent appellant Richard Leon for habeas corpus/executive clemency proceedings related to the above automatic appeal now pending in this court.

S112442**PEOPLE v. SMITH, JR. (PAUL GORDON)**

Counsel appointment order filed.

Upon request of appellant for appointment of counsel, Kathy Moreno is hereby appointed to represent appellant Paul Gordon Smith, Jr., for the direct appeal in the above automatic appeal now pending in this court.

S149223 B184336 Second Appellate District, Div. 8**PEOPLE v. VERDUZCO (JOEL)**

Counsel appointment order filed.

Upon request of appellant for appointment of counsel, David Bernstein is hereby appointed to represent appellant on the appeal now pending in this court.

S149564 B187954 Second Appellate District, Div. 3**PEOPLE v. PACK (CHARLES)**

Counsel appointment order filed.

Upon request of appellant for appointment of counsel, Karyn Bucur is hereby appointed to represent appellant on the appeal now pending in this court.

S149966 B186598 Second Appellate District, Div. 2 **PEOPLE v. LARA (ROBERT LEE)**

Counsel appointment order filed.

Upon request of appellant for appointment of counsel, Patricia Andreoni is hereby appointed to represent appellant on the appeal now pending in this court.

S150041 B188473 Second Appellate District, Div. 4 **PEOPLE v. MANDARINO (AIRTON)**

Counsel appointment order filed.

Upon request of appellant for appointment of counsel, Patricia Andreoni is hereby appointed to represent appellant on the appeal now pending in this court.

S150121 E038456 Fourth Appellate District, Div. 2 **PEOPLE v. WALLER (GREGORY ELDER)**

Counsel appointment order filed.

Upon request of appellant for appointment of counsel, Stephen M. Lathrop is hereby appointed to represent appellant on the appeal now pending in this court.

S120980 **MONTERROSO (CHRISTIAN) ON H.C.**

Order filed.

Pursuant to petitioner's request filed on March 27, 2007, petitioner's exhibits, nos. 142, 146, 147, 183, 184, 192, 193, 194, 214, 252, 253, 254, 266, 267, 268, 274, 282, and 283 are ordered withdrawn.

S134332 **GUERRA (JOSE FRANCISCO) ON H.C.**

Order filed.

Pursuant to petitioner's request filed on March 27, 2007, petitioner's exhibits, nos. 10, 11, 40, 46, and 49 are ordered withdrawn.

S137583 B170343/B156445 Second Appellate District, Div. 8 **S. (JOSHUA.), IN RE**

Order filed.

The Requests for Judicial Notice of Respondent Los Angeles County Department of Children and Family Services and Amicus Curiae California Department of Social Services are granted.

S146979 A112003 First Appellate District, Div. 3

**BRODIE (STAN) v. WCAB
(CONTRA COSTA COUNTY
FIRE PROTECTION DISTRICT)**

Order filed.

Respondent City and County of San Francisco's request for judicial notice, filed January 12, 2007, is granted. Respondents' joint request for judicial notice, filed March 7, 2007, is granted. Amicus curiae County of Los Angeles' request for judicial notice, filed March 5, 2007, is granted as to Exhibits 1 and 2 and denied in all other respects.

S147030 C051263C051790/C051894/C051409

Third Appellate District
**WELCHER v. WCAB (HAT
CREEK CONSTRUCTION, INC.)**

Order filed.

Respondent City and County of San Francisco's request for judicial notice, filed January 12, 2007, is granted. Respondents' joint request for judicial notice, filed March 7, 2007, is granted. Amicus curiae County of Los Angeles' request for judicial notice, filed March 5, 2007, is granted as to Exhibits 1 and 2 and denied in all other respects.

S148500

ROLAND ON DISCIPLINE

Petition for writ of review denied; disbarred.

The petition for writ of review is denied. It is hereby ordered that ROBERT WILLIAM ROLAND, State Bar No. 203087, be summarily disbarred from the practice of law and that his name be stricken from the roll of attorneys. Respondent is also ordered to comply with rule 955 of the California Rules of Court (renumbered to Cal. Rules of Court, rule 9.20, effective Jan. 1, 2007) and to perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the date this order is effective. (See Bus. & Prof. Code, § 6126, subd. (c).) Costs are awarded to the State Bar in accordance with Business and Professions Code section 6086.10 and are enforceable both as provided in Business and Professions Code section 6140.7 and as a money judgment.

